



Zoning Case No. C14-05-0151

RESTRICTIVE COVENANT

OWNER Flex Realty, L P , a Texas limited partnership

ADDRESS 6006 East Ben White Blvd , Austin, Texas 78741

CONSIDERATION Ten and No/100 Dollars (\$10 00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged

PROPERTY A 15 025 acre tract of land, more or less, out of the Theodore Bissell League, Abstract No 3, in Travis County, the tract being more particularly described by metes and bounds in exhibit "A" attached and incorporated into this covenant

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions,

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns

- 1 Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated November 16, 2005
- 2 If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions
- 3 If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect
- 4 If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it
- 5 This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination

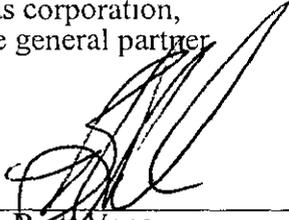
11-2-06
42

EXECUTED this the 11th day of March, 2006

OWNER:

**Flex Realty, L.P.,
a Texas limited partnership**

By Davenport Group, Inc ,
a Texas corporation,
its sole general partner

By 
Brett Vance,
its representative

APPROVED AS TO FORM

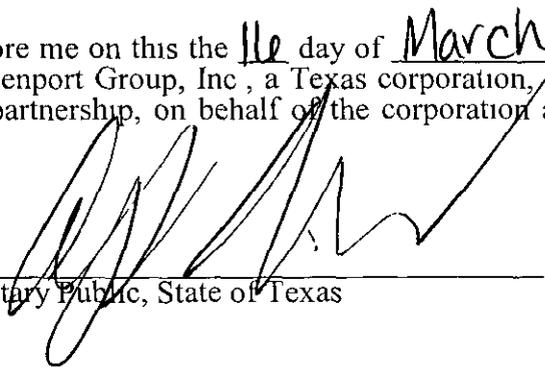

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 11th day of March, 2006, by Brett Vance, as representative of Davenport Group, Inc , a Texas corporation, general partner of Flex Realty, L P , a Texas limited partnership, on behalf of the corporation and the limited partnership




Notary Public, State of Texas

C14-05-0151

BUSH SURVEYING, INC.

1904 Fortview Road
Austin Texas 78704
Phone (512) 442-0990
Fax (512) 442-1084

EXHIBIT A

FIELD NOTE DESCRIPTION OF 15 025 ACRES OF LAND OUT OF THE THEODORE BISSELL LEAGUE, ABSTRACT NO 3, IN TRAVIS COUNTY, TEXAS, AND BEING THAT SAME (15 00 ACRE) TRACT OF LAND CONVEYED TO THE FRENTRUP CHILDREN TRUST OF 1986 IN A DEED AS RECORDED IN VOLUME 11591 PAGE 230 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a 1" iron pipe found in the northwesterly right-of-way line of Longview Road, being at the most easterly (northeast) corner of that certain (15 00 acre) tract of land conveyed to the Frentrup Children Trust of 1986, in a deed as recorded in Volume 11591 Page 230 of the Real Property Records of Travis County, Texas, and being at the most southerly corner of that certain (3 acre) tract of land conveyed to Oneta Overton Batte, et al, in a deed as recorded in Volume 12236 Page 363 of the Real Property Records of Travis County, Texas, and being for the most easterly corner of the tract herein described,

THENCE, with the northwesterly right-of-way line of Longview Road, S 30 deg 03' 45" W 536 07 feet to a 1/2" iron rod found for the most easterly southeast corner of this tract,

THENCE, continuing with the northwesterly right-of-way line of Longview Road, S 62 deg 07' 34" W 21 00 feet to a 1/2" iron rod found underneath the asphalt paving of Cameron Loop, being for the most southerly southeast corner of this tract,

THENCE, with the northeasterly right-of-way line of Cameron Loop, N 59 deg 48' 20" W 595 49 feet to a 1" iron pipe found for an interior corner of this tract, and being at an angle in the northerly right-of-way line of Cameron Loop,

THENCE, with the northwesterly right-of-way line of Cameron Loop S 46 deg 01' 48" W 91 95 feet to a 1" iron pipe found at the most northeasterly corner of that certain (4 00 acre) tract of land conveyed to Billy Glenn Davis, et ux, in a deed as recorded in Volume 11176 Page 1011 of the Real Property Records of Travis County, Texas, and being for an angle in the southerly line of this tract,

THENCE, with the northerly line of the Davis tract N 83 deg 06' 46" W 450 57 feet to a 1/2" iron rod set at the most southeasterly corner of that certain (8 50 acre) tract of land conveyed to Joseph C Gunn in a deed as recorded in Volume 2829 Page 154 of the Deed Records of Travis County, Texas, and being for the most westerly (southwest) corner of this tract, and from which another 1" iron pipe found bears N 83 deg 06' 46" W 370 62 feet,

THENCE, with the northwesterly line of the Frentrup tract N 30 deg 21' 05" E 824 75 to a 1/2" iron rod found 1 8 feet southwest of the southwest line of Oak Plantations, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 63 Page 94 of the Plat Records of Travis County, Texas, and being for the most northerly (northwest) corner of this tract,

THENCE, with the northeasterly line of the Frentrup tract S 59 deg 34' 43" E 1042 00 feet to the PLACE OF BEGINNING, in all containing 15 025 acres of land

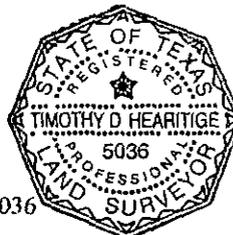
SURVEYED May 4, 1999

BY



Timothy D. Hearitige

Registered Professional Land Surveyor No 5036



see accompanying map no A 595084

After Recording, Please Return to
City of Austin
Department of Law
P O Box 1088
Austin, Texas 78767
Attention Diana Minter, Legal Assistant

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction because of illegibility carbon or photocopy discolored paper etc All blockouts additions and changes were present at the time the instrument was filed and recorded

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2006 Nov 06 01 48 PM

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DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS